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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,339	06/19/2001	Ron Barnes	2079.001300/P6230	3322

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EXAMINER	
TWEEL JR, JOHN ALEXANDER	
ART UNIT	**PAPER NUMBER**
2636	

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/885,339	BARNES ET AL.	
	Examiner	Art Unit	
	John A. Tweel, Jr.	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 September 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-15,20,22-32 and 34-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-15,20,22-32 and 34-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. This Office action is in response to the amendment filed 9/13/04. Claims 1, 20, and 32 have been amended. Claims 2, 16-19, 21, 33, and 63 have been canceled.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 3-15, 20, 22-32, and 34-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mittler** in view of **Koo**.

For claim 1, the apparatus capable of displaying a logo taught by **Mittler** includes the following claimed subject matter, as noted, 1) the claimed light source capable of emitting light is met by the light emitting diode (No. 10), and 2) the claimed translucent portion is met by the diffusing overlay (No. 18) using printed translucent inks wherein the overlay is capable of receiving light from the LED and is capable of allowing the light to propagate through. However, there is no mention of the light source emitting a plurality of colors, wherein the particular color is emitted according to a state of the computer system and to emit another color according to another state of the system.

The apparatus and method for power management of computer system taught by **Koo** includes an LED (No. 42) capable of displaying the power management mode of the computer system wherein the LED is at least two colors. This reference is ample evidence that lighted indicators have been used to depict two different states of a computer system.

The Mittler reference pertains to lighted indicators. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a dual color LED in the system of Mittler for the purpose of displaying a multitude of computer states.

For claim 3, the light source of **Mittler** is disposed behind the translucent portion.

For claim 4, the light source of **Mittler** is a light emitting diode.

For claim 5, the **Mittler** reference includes an LED; however, many different illumination methods are available to the user or designer of the invention that would produce the exact same result. As there is no appreciable difference between an LED and another well known and common type of light source, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an alternative form of light source for the purpose of using a commonly used source to maximize the usefulness of the invention.

For claim 6, the overlay of **Mittler** has a back surface and further comprises a light box (No. 14) capable of reflecting light emitted by the light source toward the back surface of the overlay.

For claim 7, Figures 1 and 3 of **Mittler** show the cavity (No. 14) having rear and front openings, a wall therebetween capable of reflecting the light emitted from the LED wherein the front opening is adjacent the back surface of the overlay.

For claim 8, the use of a matte finish is considered an obvious variation on the **Mittler** reference in that a matte finish in the light cavity would not produce a new or

unexpected result. As the light still reaches the logo in both cases, this is not considered a patentable innovation.

For claim 9, the claimed bezel is met by the front cover (No. 32), wherein the overlay is disposed in the front cover.

For claim 10, the overlay of **Mittler** has a back surface and further comprises a light box (No. 14) capable of reflecting light emitted by the light source toward the back surface of the overlay.

For claim 11, figures 1 and 3 of **Mittler** show the cavity (No. 14) having rear and front openings, a wall therebetween capable of reflecting the light emitted from the LED wherein the front opening is adjacent the back surface of the overlay.

For claim 12, the use of a matte finish is considered an obvious variation on the Mittler reference in that a matte finish in the light cavity would not produce a new or unexpected result. As the light still reaches the logo in both cases, this is not considered a patentable innovation.

For claim 13, figures 1 and 3 of **Mittler** show the cavity (No. 14) having rear and front openings, a wall therebetween capable of reflecting the light emitted from the LED wherein the front opening is adjacent the back surface of the overlay, the front cover has a rear surface and the cavity is attached to the rear surface of the bezel.

For claim 14, the use of a matte finish is considered an obvious variation on the Mittler reference in that a matte finish in the light cavity would not produce a new or unexpected result. As the light still reaches the logo in both cases, this is not considered a patentable innovation.

For claim 15, the exact method of attaching the cavity onto the front cover of **Mittler** is not considered a patentable innovation as a myriad of attachment methods are at the user's disposal, such as adhesives, heat staking, incorporation during manufacture, and screws and rivets.

For claim 20, the apparatus for displaying a logo capable of glowing taught by **Mittler** includes the following claimed subject matter, as noted, 1) the claimed light source is met by the LED (No. 10), 2) the claimed bezel is met by the front cover (No. 32), 3) the claimed logo badge is met by the overlay (No. 18) comprising a translucent portion wherein the logo is applied using translucent inks, a background portion composed of the clear portion surrounding the graphics, wherein the overlay is disposed in the bezel. However, there is no mention of the light source emitting a plurality of colors, wherein the particular color is emitted according to a state of the computer system and to emit another color according to another state of the system.

The claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claim 1 above.

For claim 22, the light source of **Mittler** is a light emitting diode.

For claim 23, the **Mittler** reference includes an LED; however, many different illumination methods are available to the user or designer of the invention that would produce the exact same result. As there is no appreciable difference between an LED and another well known and common type of light source, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an alternative

form of light source for the purpose of using a commonly used source to maximize the usefulness of the invention.

For claim 24, the overlay of **Mittler** has a back surface and further comprises a light box (No. 14) capable of reflecting light emitted by the light source toward the back surface of the overlay.

For claim 25, Figures 1 and 3 of **Mittler** show the cavity (No. 14) having rear and front openings, a wall therebetween capable of reflecting the light emitted from the LED wherein the front opening is adjacent the back surface of the overlay.

For claim 26, the use of a matte finish is considered an obvious variation on the **Mittler** reference in that a matte finish in the light cavity would not produce a new or unexpected result. As the light still reaches the logo in both cases, this is not considered a patentable innovation.

For claim 27, Figures 1 and 3 of **Mittler** show the cavity (No. 14) having rear and front openings, a wall therebetween capable of reflecting the light emitted from the LED wherein the front opening is adjacent the back surface of the overlay.

For claim 28, the use of a matte finish is considered an obvious variation on the Mittler reference in that a matte finish in the light cavity would not produce a new or unexpected result. As the light still reaches the logo in both cases, this is not considered a patentable innovation.

For claim 29, figures 1 and 3 of **Mittler** show the cavity (No. 14) having rear and front openings, a wall therebetween capable of reflecting the light emitted from the LED

wherein the front opening is adjacent the back surface of the overlay, the front cover has a rear surface and the cavity is attached to the rear surface of the bezel.

For claim 30, the use of a matte finish is considered an obvious variation on the Mittler reference in that a matte finish in the light cavity would not produce a new or unexpected result. As the light still reaches the logo in both cases, this is not considered a patentable innovation.

For claim 31, the exact method of attaching the cavity onto the front cover of **Mittler** is not considered a patentable innovation as a myriad of attachment methods are at the user's disposal, such as adhesives, heat staking, incorporation during manufacture, and screws and rivets.

For claim 32, the computer system taught by **Mittler** includes the claimed subject matter, as noted, 1) the claimed chassis is met by the rear circuit board (No. 34) and associated apparatus shown in Figure 3, 2) the claimed light source is met by the LED (No. 10), and 3) the claimed bezel is met by the front cover (No. 32) adjacent the circuit board, wherein the bezel comprises a logo (No. 18) capable of receiving the light emitted by the light source and allowing the light to propagate therethrough. However, there is no mention of the light source emitting a plurality of colors, wherein the particular color is emitted according to a state of the computer system and to emit another color according to another state of the system.

The claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claim 1 above.

For claim 34, the light source of **Mittler** is a light emitting diode.

For claim 35, the **Mittler** reference includes an LED; however, many different illumination methods are available to the user or designer of the invention that would produce the exact same result. As there is no appreciable difference between an LED and another well known and common type of light source, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an alternative form of light source for the purpose of using a commonly used source to maximize the usefulness of the invention.

For claim 36, the light source of **Mittler** has been attached to the rear circuit board.

For claim 37, the logo of **Mittler** is printed using translucent inks.

For claim 38, the overlay of **Mittler** has a back surface and further comprises a light box (No. 14) capable of reflecting light emitted by the light source toward the back surface of the overlay.

For claim 39, Figures 1 and 3 of **Mittler** show the cavity (No. 14) having rear and front openings, a wall therebetween capable of reflecting the light emitted from the LED wherein the front opening is adjacent the back surface of the overlay.

For claim 40, the use of a matte finish is considered an obvious variation on the **Mittler** reference in that a matte finish in the light cavity would not produce a new or unexpected result. As the light still reaches the logo in both cases, this is not considered a patentable innovation.

For claim 41, Figures 1 and 3 of **Mittler** show the cavity (No. 14) having rear and front openings, a wall therebetween capable of reflecting the light emitted from the LED

wherein the front opening is adjacent the back surface of the overlay, the front cover has a rear surface and the cavity is attached to the rear surface of the bezel.

For claim 42, the use of a matte finish is considered an obvious variation on the **Mittler** reference in that a matte finish in the light cavity would not produce a new or unexpected result. As the light still reaches the logo in both cases, this is not considered a patentable innovation.

For claim 43, the exact method of attaching the cavity onto the front cover of **Mittler** is not considered a patentable innovation as a myriad of attachment methods are at the user's disposal, such as adhesives, heat staking, incorporation during manufacture, and screws and rivets.

For claim 44, power sources and associated switches are not new in electronic devices. The inclusion of one in the **Mittler** reference is not a patentable innovation as these have been used in electronic systems for many years.

Response to Arguments

Argument 1:

"...Applicant can find no teaching or suggestion in Koo or Mittler, either separately or in combination, of '**a logo capable of glowing**,' as recited in Applicant's claim 1."

Argument 2:

"...Applicant respectfully disagrees with the Examiner's assertion that it would have been obvious 'to include a dual color LED in the system of Mittler for the purpose of displaying a multitude of computer states,' since Mittler does not teach a computer system having multiple states."

4. Applicant's arguments filed 9/13/04 have been fully considered but they are not persuasive.

Response to Argument 1:

The reference taught by **Mittler** teaches, at Col. 4, Lns. 31-34, the inclusion of a "recognizable logo in overlay 18". Whether this has been overlooked or ignored by the Applicant is unknown to the Examiner.

Response to Argument 2:

The **Mittler** does not explicitly state the use of a computer; however, the system must use some sort of processor or computing device in which to function. Also, multiple states can certainly exist at a gas pump wherein different octanes of gasoline and different methods of payment can be indicated. Further, the Examiner has been at many gas pumps where the credit card was being processed while the display depicted this "state" to the Examiner. This is certainly one example of a different "state" to be indicated to the user of the reference.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 571 272 2969. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 571 272 2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAT
1/14/05

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